

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 2587
	)	
JOHN ATHANS, D.O.	)	<b>FINDINGS OF FACT, CONCLUSIONS</b>
Holder of License No. 2118 for the	)	<b>OF LAW AND ORDER OF REVOCATION</b>
practice of osteopathic medicine in the	)	<b>OF LICENSE</b>
State of Arizona.	)	
_____	)	

The above-captioned matter came on for formal evidentiary hearing before the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") on March 6, 1999. Blair Driggs, Assistant Attorney General, represented the State of Arizona. The Respondent, licensee, JOHN ATHANS, D.O. (hereinafter "Respondent") did not appear after being properly noticed. The Board, through Murray Cohen, D.O., Vice-President of the Board, D. Jayne McElfresh, Dewey Schade, Richard Whitaker, D.O. and Martin Reiss, D.O., members of the Board, having considered all the material evidence presented and being fully advised, makes the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

**I.**

Respondent is licensed by the board as an osteopathic physician; and, pursuant to A.R.S. § 32-1803, et seq. (as amended), the Board has the statutory authority to conduct an administrative hearing to determine whether the Respondent is unable to safely engage in practice of medicine and whether action should be taken due to the unprofessional conduct by Respondent. During the Board's public meeting on January 22, 1999 following the Board's review of information and evidence, obtained pursuant to A.R.S. § 32-1855 and § 32-1855.01, regarding Respondent's

conduct and having considered the evidence and information in the matter, the Board voted to hold a Formal Administrative Complaint Hearing in this matter. Respondent did not appear at the public meeting held on January 22, 1999.

## II.

Respondent is a licensee of the Board and the holder of License No. 2118 for the practice of osteopathic medicine in the State of Arizona.

## III.

The following information was brought to the attention of the Board that Respondent violated the terms and conditions of his Findings of Fact, Conclusions of Law and Board Order dated May 16, 1998.

- a. On or about March 25, 1998 the Board received information from John C. Lincoln Hospital-Deer Valley, that Respondent's hospital privileges were summarily suspended due to allegations of substance abuse and narcotics which were unaccounted for. Respondent also refused to take a urine drug screen as required by the hospital.
- b. On or about March 25, 1998 the Board issued an Order to submit to Biological Testing to Respondent which tested positive for Benzodiazapines.
- c. On or about March 27, 1998 Respondent informed the Board's Complaint/Compliance Manager that he was self-medicating with Valium, Prozac and Tangamet.
- d. In public session, the Board voted on March 28, 1998 that Respondent was medically and/or psychologically unable to engage in the practice of medicine and was an immediate threat to the health and welfare of the public. Respondent was present at the Board's public session on March 28, 1998.

- e. In public session, the Board voted on May 16, 1998 upon Respondent's request, due to his admitted addiction, that the Board allow him to enter into a Stipulated Consent Order for temporary suspension of his license until such time it is determined that Respondent is healthy enough to be placed under a probationary order for monitoring and rehabilitation. The terms and conditions required in Respondent's Stipulated Consent Order for Suspension of License require random urine drug screens and abstention of all drugs and alcohol, unless prescribed by his treating physician.
- f. On January 11, 1998 (sic) information was brought to the attention of the Board that Respondent was purchasing and using the drug Ketamine. Respondent admitted to purchasing and self-medicating with the drug Ketamine. Respondent admitted to purchasing and self-medicating with the drug Ketamine since May, 1998.
- g. On January 11, 1999 Respondent was requested to go have an evaluation at Springbrook Northwest Rehabilitation Center to evaluate the allegation of a possible relapse in his drug addiction. Respondent refused to go into treatment and stated that he never wanted to practice medicine again.
- h. Pursuant to paragraph (1)(b) of the Board's May 16, 1998 Stipulated Consent Order, Respondent was ordered to comply with the "prohibition the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician....") and paragraph (3)(d) that "Respondent shall not consume illicit drugs or take any controlled substances...unless the treating physician prescribes such medication for Respondent. The information available to the Board demonstrates that Respondent violated the Board's probationary order by purchasing and consuming Ketamine that Respondent has admitted.

### CONCLUSIONS OF LAW

The aforementioned conduct alleged against Respondent constitutes unprofessional conduct as defined at A.R.S. § 32-1854:

- (5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes.
- (15) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine except as the same may be necessary for accepted therapeutic purposes.
- (19) Any conduct or practice contrary to recognized standards of ethics of the Osteopathic medical professional.
- (20) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter.
- (21) Using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment.
- (26) Violating a formal order, probation or a stipulation issued by the board under this chapter.
- (37) Violating a federal law, a state law or a rule applicable to the practice of medicine.
- (40) Any conduct or practice that endangers a patient's health or may reasonably be expected to do so.

- (41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

**ORDER**

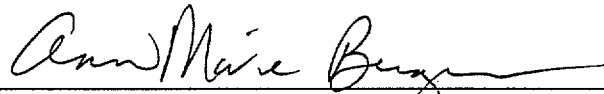
IT IS THEREFORE ORDERED that License No. 2118 for the practice of osteopathic medicine in the State of Arizona, held by JOHN ATHANS, D.O. be and the same is hereby **REVOKED.**

All parties are advised that they may file a Motion for Rehearing pursuant to A.R.S. § 41-1092.09 and A.A.C. R4-22 -106. The filing of a Motion for Rehearing is a prerequisite of judicial review.

**ISSUED** this 6th day of March, 1999.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: \_\_\_\_\_



Ann Marie Berger, Executive Director  
9535 E. Doubletree Ranch Road  
Scottsdale AZ 85258

Served by personal service or  
sending U.S. certified mail  
this 10<sup>th</sup> day of March, 1999 to:

John Athans, D.O.  
13020 N. Surrey Circle  
Phoenix AZ 85029

Copy mailed this 10<sup>th</sup> day of March, 1999 to:

Blair Driggs  
Assistant Attorney General  
Office of the Attorney General  
1275 W. Washington  
Phoenix AZ 85007

Tom Dennis  
Assistant Attorney General  
Solicitor General's Office  
Office of the Attorney General  
1275 W. Washington  
Phoenix AZ 85007

Anita Boyd